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APR 14 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shimek et al.

)

) Group Art Unit: 1794

)

Serial Number: 10/620,038

)

) Examiner Name: K. Mahafkey

)

Filing Date: July 15, 2003

)

) Atty Docket: 6126US

For: Soft Dried Marshmallow and Method of Preparation

Via Facsimile
571-273-8300

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

This is a Request for Continued Examination (RCE) Under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114a. ☒ Previously submittedi. ☒

Consider the amendment/response after final under 37 C.F.R. § 1.116 previously filed on February 27, 2008.

ii. ☐

Consider the arguments in the Appeal Brief or Reply Brief previously filed on

iii. ☒

Consider the affidavit(s) under 37 C.F.R. § 1.131 previously filed on February 27, 2008.

b. ☐ Enclosedi. ☐

Amendment/Response

ii. ☐

Affidavit(s)/Declarations(s)

iii. ☐

Information Disclosure Statement (IDS)

iv. ☐

Other

2. Miscellaneousa. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R.

§ 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other3. Fees

The RCE fee under 37 C.F.R. § 1.17(c) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge any additionally required fees, or credit any overpayments, to Deposit Account No. 07-0900.b. ☐ Check in the amount of \$ _____ enclosedi. ☐

RCE fee required under 37 C.F.R. § 1.17(c)

ii. ☐

Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐

Other

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type): Everett G. Diederiks, Jr.

Registration No. (Attorney/Agent) 33,323

Signature: Date: 4/14/08

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